

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
Case No. 1:21-cv-00067-MR**

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DMARCIAN, INC.,

*Plaintiff,*

v.

DMARC ADVISOR BV,  
f/k/a dmarcian Europe BV,

*Defendant.*

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**DEFENDANT’S OBJECTIONS  
AND COUNTER-DESIGNATIONS  
TO PLAINTIFF’S DEPOSITION  
DESIGNATIONS**

Defendant DMARC Advisor BV files these objections and counter-designations to Plaintiff’s Deposition Designations (ECF No. 416). In accordance with the Court’s January 28 and 30, 2025 Text-Only Orders, DMARC Advisor will file its objections and counter-designations by March 4, 2025, to any designations by Plaintiff of deposition testimony by Mr. Kalkman, Mr. Harmeling, Dr. Levine, and Mr. Gray.

**I. Martijn Groeneweg as DMARC Advisor’s Rule 30(b)(6) Designee (Nov. 9, 2023)**

<b>Plaintiff’s Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
18:15–18:25		
19:14–19:20	19:21–20:20; 25:8–20	FRE 402 & 403

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
27:21–28:04	19:21–20:20; 25:8–20	FRE 402 & 403; mischaracterizes testimony; vague
28:21–28:24	29:6–31:13	FRE 402 & 403; calls for legal conclusion; vague
35:19–36:17	29:6–31:13	FRE 402 & 403
86:15–88:11		
89:15–91:07	91:08–10	Ambiguous
94:17–95:09	95:10–15	FRE 402 & 403
107:10–109:02		
109:11–110:13		
110:18–112:01		Vague; ambiguous
112:07–112:16	112:18–113:4	FRE 402 & 403; lack of foundation
113:05–113:15	123:19–124:11	FRE 403
123:07–123:18	123:19–124:11	FRE 403
125:01–125:07		
125:11–127:01		FRE 403; vague; ambiguous
139:13–141:01		
141:24–142:05		FRE 403; vague; ambiguous
142:12–144:12		FRE 402 & 403; calls for legal conclusion; mischaracterizes testimony
145:19–147:03		FRE 402 & 403
148:12–149:23		FRE 402 & 403; mischaracterizes testimony
150:09–151:21		FRE 402 & 403; mischaracterizes testimony
152:16–153:19		FRE 402 & 403; mischaracterizes testimony; calls for legal conclusion
154:13–156:21	157:14–17	FRE 403

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
206:04–206:13		FRE 402 & 403; mischaracterizes testimony; calls for legal conclusion
217:12–217:16		FRE 402 & 403
217:22–217:25		FRE 402 & 403
221:01–221:09		FRE 402 & 403
222:14–222:19	223:20–224:12	FRE 402 & 403
226:24–227:04		FRE 402 & 403

**II. Martijn Groeneweg as DMARC Advisor's Rule 30(b)(6) Designee (Nov. 14, 2023)**

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
269:12–269:19	268:17–269:11; 269:20–5	FRE 402 & 403
272:24–273:10	272:5–22	FRE 602
277:07–277:15		FRE 402 & 403
279:13–279:25	278:7–279:12; 280:2–22	
280:23–283:07		FRE 403; FRE 602; mischaracterizes testimony; FRE 802
284:21–285:22	286:11–18	FRE 602; FRE 802; calls for legal conclusion; ambiguous
291:07–293:10		FRE 402 & 403
293:12–294:21		FRE 402 & 403
301:17–301:23	301:1–13; 306:22– 307:16	FRE 403
310:21–311:03	311:4–25	Calls for legal conclusion
325:20–327:19	389:5–22	FRE 402 & 403

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
341:06–341:23		FRE 402 & 403; FRE 602; ambiguous; lack of foundation
342:03–342:12		FRE 402 & 403; FRE 602; ambiguous; lack of foundation
342:14–342:24		FRE 402 & 403; FRE 602; ambiguous; calls for legal conclusion
343:03–343:07		FRE 402 & 403; FRE 602; ambiguous
344:14–344:23	343:18–344:13	FRE 402 & 403
346:07–346:14		FRE 402 & 403
362:02–362:10	362:13–363:6	

### **III. Martijn Groeneweg on behalf of The Digital Xpedition (TDX) Holding BV (Nov. 13, 2023)**

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
7:01–7:11		FRE 402 & 403
8:01–8:17	Nov. 14 Tr. at 374:16–376:2	FRE 402 & 403; mischaracterizes testimony
19:17–20:15		Ambiguous
25:17–26:22		
27:19–28:07		FRE 402 & 403; FRE 602
29:11–29:15	32:15–33:19	FRE 402 & 403; ambiguous
34:07–34:17	34:20–36:1	FRE 402 & 403; calls for legal conclusion
36:02–36:18	36:19–37:7	FRE 402 & 403; calls for legal conclusion
37:10–37:15	39:1–22	FRE 402 & 403; calls for legal conclusion

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
42:24–43:13	43:14–18	
46:01–49:15		FRE 402 & 403; FRE 802
52:06–53:03		FRE 402 & 403
54:14–54:17		FRE 402 & 403
62:05–62:10		FRE 402 & 403; calls for legal conclusion
66:15–67:03		FRE 402 & 403
68:09–68:25		FRE 402 & 403
69:18–70:05		FRE 402 & 403
103:14–104:13		FRE 402 & 403; FRE 602; calls for legal conclusion
105:20–106:25		FRE 402 & 403; FRE 602; FRE 802
111:04–111:17		FRE 402 & 403
115:06–115:10	115:11–118:6	
122:21–123:02		FRE 402 & 403; FRE 602
173:01–173:13		FRE 402 & 403; FRE 602
196:17–197:09		
197:17–201:07		FRE 402 & 403; ambiguous
202:19–203:16		FRE 402 & 403; FRE 602; ambiguous
204:12–204:25		FRE 402 & 403
205:07–206:12		FRE 402 & 403; FRE 602; calls for legal conclusion
209:17–211:02		FRE 402 & 403
211:22–213:05		

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
213:08–213:11		
220:14–221:03	221:4–25	
222:01–222:09		FRE 402 & 403
222:23–223:03		FRE 402 & 403
228:02–228:20		FRE 402 & 403
228:25–230:05	230:19–25	
243:21–244:25	235:17–243:20; Nov. 14 Tr. at 369:5–374:14	
250:25–251:09		FRE 402 & 403; ambiguous;

**IV. Martijn Groeneweg on behalf of The Digital Xpedition (TDX) Holding BV (Nov. 14, 2023)**

<b>Plaintiff's Designation</b>	<b>Counter-Designation</b>	<b>Objections</b>
264:12–265:25		Ambiguous; FRE 602
266:02–266:14		Ambiguous; FRE 602
266:16–268:06		Calls for legal conclusion; ambiguous
268:08–269:02		Calls for legal conclusion; ambiguous; mischaracterizes testimony; FRE 602
279:07–279:15		FRE 402 & 403
279:20–280:13	280:14–22	FRE 402 & 403
286:23–287:02		
305:08–305:18		FRE 402 & 403; calls for legal conclusion
348:21–350:23	350:24–351:4	FRE 402 & 403; lack of foundation; FRE 602
366:04–367:11		Ambiguous; mischaracterizes testimony
379:03–381:13	374:16–376:2	FRE 402 & 403

Dated: February 3, 2025    Respectfully submitted,

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